



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

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MAY - 3 2005

APR 29 2005 Federal Communications Commission
Office of the Secretary

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Rules and Regulations Implementing the Telephone Consumer Protection Act,
Consumer and Government Affairs Bureau Docket No. 02-278

Dear Ms. Dortch:

The National Highway Traffic Safety Administration ("NHTSA"), an operating administration within the United States Department of Transportation, submits this letter in support of a Petition for Declaratory Ruling from the National Automobile Dealers Association ("NADA") that asks the Commission to grant a limited exemption with respect to the National Do-Not-Call rules. The NADA asks the Federal Communications Commission to permit automobile dealerships to contact and inform consumers of motor vehicle safety recalls and to schedule appointments to perform that recall work.

Under the National Traffic and Motor Vehicle Safety Act, as amended, 49 U.S.C. § 30101 et seq., which NHTSA administers, vehicle manufacturers that initiate vehicle safety recalls under Federal law must notify consumers about the existence of a defect or noncompliance in vehicles registered to those consumers. Specifically, vehicle manufacturers are required to inform vehicle owners via first class mail about an identified safety defect or noncompliance and inform consumers that the vehicle will be remedied free of charge. 49 U.S.C. §§ 30118-30120. It is very important that vehicle owners have their vehicles repaired under these safety recalls.

For a variety of reasons, consumers do not always respond to manufacturer recall notices to have safety recall work performed on their vehicles. This results in only a portion of any given vehicle recall population being remedied. Based on available data, we estimate the current consumer recall response rate to be, on average, approximately 70 percent. NHTSA believes that a limited exemption to the National Do-Not-Call rules to permit dealers to call and inform a vehicle owner of the existence of a recall and to schedule an appointment to have that vehicle remedied would enhance motor vehicle safety by improving the consumer response rate to manufacturer recall notices.

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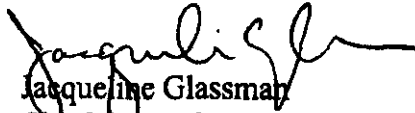
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The type of contact proposed in the NADA petition, which would be strictly limited to apprising a consumer of the existence of a recall affecting that person's vehicle and scheduling a time to have the vehicle remedied, serves the public's interest in motor vehicle safety. Such an exemption could be limited to exclude communications that attempt to solicit non-recall services offered by the dealership.

Should you have any questions, please have your staff contact Mr. Michael Kido at (202) 366-5263.

Sincerely,


Jacqueline Glassman
Chief Counsel